

Permitting and Assistance Branch Staff Report
Solid Waste Facilities Permit Revision for the Taft Recycling & Sanitary Landfill
SWIS No. 15-AA-0061
September 13, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the Kern County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery's (Department) concurrence on the issuance of a proposed Solid Waste Facilities Permit revision for the Taft Recycling & Sanitary Landfill, SWIS No. 15-AA-0061, located in Taft and owned and operated by the Kern County Waste Management Department. A copy of the proposed permit is attached. This report contains the Permitting and Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on June 29, 2011. An amended proposed permit was received on July 22, 2011. Action must be taken on this proposed permit no later than September 19, 2011. If no action is taken by September 19, 2011, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2004 SWFP)	Proposed Permit
1. Facility Name	Taft Sanitary Landfill	Taft Recycling & Sanitary Landfill
4. a. Operations	Disposal	Disposal, Transfer/Processing, Green Waste Composting
4. c. Permitted Tonnage per Day	419	800
4. d. Permitted Vehicles per Day	338	350
4. e. Permitted Boundary Area Permitted Disposal Area	100 acres 85 acres	161.68 acres 85 acres
4. e. Permitted Capacity	8,747,547 cubic yards	11,000,000 cubic yards
4. e. Elevation	775 MSL	868 MSL
4.e Maximum Depth	625 MSL	520 MSL
4.e. Estimated Closure Date	2123	2078
12.	The legal description is contained in 3.D. of the Report of Disposal Site Information dated February 2003 and revised October 2003.	The legal description as required in CCR Title 27 Sec. 21600 is contained in the Report of Disposal Site Information
13. Findings	a. This permit is consistent with the Kern County Integrated Waste Management Plan, which was	a. This permit is consistent with the Kern County Integrated Waste Management Plan, which was

	<p>approved by the CIWMB on February 25, 1998 and last amended on January 23, 2001. The location of the facility is identified in the Countywide Siting Element, pursuant to Public Resource Code (PRC), Section 50001(a).</p> <p>b. This permit is consistent with the standards adopted by the CIWMB, pursuant to PRC 44010.</p> <p>c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA pursuant to PRC 44009.</p> <p>d. The Kern County Fire Department has determined that the facility is in conformance with applicable fire standards as required in PRC Section 44151.</p> <p>e. An Environmental Impact Report was filed with the State Clearinghouse (SCH# 91082008) and certified by the Kern County Board of Supervisors on March 30, 1993. The Environmental Impact Report describes and supports the design and operation that will be authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on April 1, 1993.</p>	<p>approved by the CIWMB (now CalRecycle) on February 25, 1998 and last revised in September 1, 2004. The location of the facility is identified in the Countywide Siting Element, pursuant to Public Resource Code (PRC), Section 50001(a).</p> <p>b. This permit is consistent with the standards adopted by the CalRecycle, pursuant to PRC 44010.</p> <p>c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency pursuant to PRC 44009.</p> <p>d. The Kern County Fire Department has determined that the facility is in conformance with applicable fire standards as required by Public Resource Code, Section 44151.</p> <p>e. An Environmental Impact Report (SCH# 2009031008) was approved on June 28, 2011. A Notice of Determination was posted by the Kern County Clerk on July 7, 2011 pursuant to Public Resources Code Section, 21152(C).</p>
15. Documents	<p>Report of Disposal Site Information Amendments (Includes future Revision approved by the LEA) Feb. 2003/Oct 2003</p> <p>Waste Discharge Requirements.</p> <p>APCD Permit to Operate N/A</p> <p>Environmental Impact Report (SCH#91082008) 3/30/93</p> <p>Preliminary Closure / Post Closure Maintenance Plan 12/19/2003</p>	<p>Joint Technical Document- JTD 1/2011</p> <p>Waste Discharge Requirements. Order No. R5-2001-0160 7/13/01</p> <p>KCAPCD Permit to Operate N/A</p> <p>Final Environmental Impact Report (SCH#2009031008) 6/28/11</p> <p>Preliminary Closure / Post Closure Maintenance Plan 01/2011</p>

	<p>Closure Financial Assurance Documentation 12/19/03</p> <p>Operating Liability Certification 12/5/2003</p> <p>Land Use or Conditional Use Permit 1/20/72 7/14/94</p>	<p>Closure Financial Assurance Documentation 06/04/2010</p> <p>Operating Liability Certification 07/01/2010</p> <p>Conditional Use Permit Case #1. Map #138 – 01/20/72 Addendum to CUP Case #1 Map #138 07/14/94 Addendum to CUP Case #1 Map #138 06/28/2011</p>
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Findings:

All of the submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings are summarized in the table below. The documents on which staff's findings are based have been provided to the Branch Chief with this staff report and are permanently retained in the facility files maintained by the Division.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification on June 29, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on August 5, 2008, and provided a copy to the Department on August 18, 2008.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	The LEA submitted a proposed solid waste facilities permit on June 29, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on June 29, 2011, provided a finding that the facility is consistent with PRC 50001 and Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Siting Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated August 5, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/ Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated July 12, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b) (7) (A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
Documentation Compliance	Documentation in compliance as described in their memorandum dated July 13, 2011.	
21685(b)(7)(B) Operating Liability Compliance	The Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated July 13, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 1, 2011. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on June 29, 2011, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The LEA held an informational meeting on June 20, 2011. No oral or written comments were received by the LEA or Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project, a proposed revised Solid Waste Facilities Permit. Permits staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility was inspected by Waste Evaluation & Enforcement Branch staff and LEA staff on June 1, 2011. No violations or areas of concern were noted.

The LEA has not documented any violations of State Minimum Standards or Permit Terms and Conditions during the past five years. The facility has been noted monthly since September 2008 with an area of concern to attain full compliance with the landfill gas monitoring standards. This facility received two extensions to come into compliance by September 30, 2011. The required wells were installed but not within the recognized permitted boundary. With the issuance of this permit the facility will be found in full compliance due to the expansion of the permitted boundary.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed revised SWFP before the Department concurs with it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Kern County Waste Management Department, acting as Lead Agency, absent changes in the project or the circumstances under

which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The Kern County Waste Management Department, acting as Lead Agency, prepared a Draft Environmental Impact Report, State Clearinghouse No. 2009031008, which was circulated for a 50-day review period from February 1, 2010, through March 22, 2010. The EIR was certified by the Kern County Board of Supervisors and subsequently challenged for failure to include analysis of energy conservation as required by Appendix F of the CEQA Guidelines. The Board of Supervisors subsequently rescinded their certification of the EIR and their adoption of the Statement of Overriding Considerations. On March 28, 2011, the Lead Agency recirculated portions of the Draft Environmental Impact Report for a 45 day comment period ending on May 11, 2011. The Environmental Impact Report was certified and the Statement of Overriding Consideration was adopted by the Board of Supervisors on June 28, 2011. The Environmental Impact Report analyzed for a vertical expansion of the Landfill to meet the projected waste disposal needs of western Kern County until the year 2078.

When the Kern County Board of Supervisors certified the Final EIR, they found, despite the implementation of all feasible mitigation measures, significant and unavoidable impacts to air quality remained. The projects impacts from specific construction phases will exceed the threshold for NO_x and liner construction will cause fugitive dust to exceed the threshold for PM₁₀ emissions that will result in project level and cumulative impacts to air quality, and are considered significant and unavoidable.

The Kern County Board of Supervisors, on June 28, 2011, adopted a Statement of Overriding Considerations (see attachment) for the significant and cumulative impacts to Air Quality and a Mitigation Monitoring Program.

The Board of Supervisors found that the following economic, legal, social, technological and other benefits of the project override and outweigh the significant impacts to air quality.

- Continue to meet AB 939 requirements for a countywide minimum of 15 years combined permitted disposal capacity, through existing or planned solid waste disposal, as described by the Siting Element of the Kern County and Incorporated Cities Integrated Waste Management Plan. The project aids in meeting the minimum 15 year capacity planning requirement for Kern County's Source Reduction and Recycling Element of the Integrated Waste Management Plan, as required by Title 14 CCR, Section 18744.
- Comply with goals and policies of the Kern County General Plan. Agriculture and natural resource extraction are the historical and anticipated continued land uses in the Project vicinity. The landfill is compatible with these adjacent activities, as stated in Chapter 1.4 Policy 10 of the General Plan. The project is not located within the current or proposed expansion to the City of Taft Redevelopment Plan. The zoning surrounding the project site allows only consistent and compatible mineral resource and agricultural development which would not interfere with the continued operation of the landfill.
- Increase buffer areas around the Taft RSLF as encouraged by the policies and implementation measures of the Kern County General Plan. The Kern County Waste Management Department purchased 61.7 acres of additional buffer lands south and southeast of the disposal area to protect the landfill from future encroachment of sensitive

and incompatible land uses. The project will amend the Kern County General Plan to include the buffer property under a proposed General Plan designation of Map Code 3.4.1. This would further prevent any incompatible land uses adjacent to the landfill and render the chance of a conflict with an applicable land use, policy or regulation less than significant.

- Maintain and expand disposal and recycling opportunities for the local communities. The Taft Recycling and Sanitary Landfill permit revision project will allow for the continued operations of the facility beyond its current capacity. The increased capacity will also provide a convenient and reliable location for the disposal of municipal solid waste, and the increased permitted area provides additional space for waste diversion and recycling programs as the facility grows.
- Allow the inclusion of uses ancillary to landfill operations. The Taft Recycling and Sanitary Landfill has several monitoring and mitigation activities, ancillary to landfill operations, that may be located within the facility boundaries. These landfill ancillary uses result from state and federal regulations requiring Kern County Waste Management Department to conduct environmental monitoring and protection activities. In addition, buffer lands may be used for a variety of landfill related activities. There is insufficient space available within the current permitted boundaries of the landfill to conduct these required non-disposal activities, and therefore the amendment of the Conditional Use Permit to include the buffer areas which will allow the facility to conduct these necessary actions, and maintain compliance with local land use policies and regulations.
- Decrease greenhouse gas emissions through recycling opportunities, waste diversion, and the implementation of state recommended landfill gas best management practices. The United States Environmental Protection Agency (USEPA) has conducted lifecycle analysis of recyclable materials and quantified the amount of GHG reductions gained by using recycled in lieu of raw materials. The USEPA's findings were reported in "Solid Waste Management and Greenhouse Gases a Life-Cycle Assessment of Emissions and Sinks", which describes (for most materials) source reduction as the first and recycling as the second best opportunity to reduce GHG emissions. The Kern County Waste Management Department has implemented a number of programs to promote recycling opportunities, waste diversion, and the implementation of state recommended landfill gas best management practices which have resulted in decreased levels of greenhouse gas emissions. The 2008 Kern County Waste Management Department *Greenhouse Gas Emission Action Plan* demonstrates that through these programs, the Department's system of facilities is effectively reducing greenhouse gas emission levels. The proposed project will increase the facility's capacity to divert waste and recycle materials coming into the facility. Additionally, the new location of the diversion the Department's system of facilities is effectively reducing greenhouse gas emission levels. The proposed Project will increase the facility's capacity to divert waste and recycle materials coming into the facility. Additionally, the continued use of the existing diversion area will provide for the opportunity to explore "greener" technologies such as solar electric panels, pilot recycling programs, and provide an area to educate local residents about the hazardous waste exclusion and recycling programs.
- Utilize existing disposal facilities to minimize land use conflicts and impacts to the environment. The Project directs the expansion of the countywide landfill capacity on site, where adequate infrastructure already exists. This avoids impacts that would occur

from the construction of new infrastructure and landfills; precludes the need to travel to more distant disposal and recycling facilities, thereby reducing air pollutant emissions, traffic congestion, and fossil fuel use; and avoids conversion of farmland and/or open space that would likely occur with the siting of a new facility. Historically, the Taft Recycling and Sanitary Landfill has operated with minimal impacts to the environment. An increase in the permitted maximum elevation and installation of a liner over the remainder of the permitted disposal area will extend the lifespan of the facility. The lining of the future waste cell units will help use best technologies to protect and reduce impacts to groundwater resources in Kern County.

- Provide up to 2,212,453 cubic yards of additional waste disposal capacity at the Taft RSLF. The project proposes to modify both the Solid Waste Facilities Permit and the Conditional Use Permit for the facility to allow for the expansion of the Taft Recycling and Sanitary Landfill. In addition to the vertical expansion of the existing disposal area, the project will allow for the installation of a liner system in the remaining 37 acres of the permitted disposal area. Combined, the vertical expansion and the installation of a liner will provide up to 2,212,453 cubic yards of additional waste disposal capacity. This additional capacity will help reduce costs to the residents of Kern County by providing an additional capacity of over 2 million cubic yards at an existing landfill which allows the County to use the most cost effective method.
- Provide a cost effective solid waste disposal service to the residents of the County while providing quality service and complying with all Federal, State and local laws and regulations. The Project will extend the useful life of an existing landfill, thereby saving the County residents and businesses the environmental impacts and the economic costs of developing a new landfill or, if not expanded, the higher environmental impacts and costs of hauling wastes to a more distant landfill. The project will provide economic benefits to the County residents and businesses as it will allow the costs of capital improvements, maintenance, and eventual closure and post-closure monitoring and maintenance of the landfill to be spread over a larger number of waste loads, a larger number of rate payers, and a longer period of time, which will minimize the increase in solid waste disposal costs to the County residents and businesses.
- Minimize haul distances for waste collection vehicles to reduce traffic, air quality, energy, and climate change impacts and costs to the residents. The greater the delay of the closure of the landfill and construction of the transfer station facility, the greater the delay of the air impacts not only associated with the construction, but also from hauling the waste to a permitted disposal facility located at a greater distance from the southwest Kern County area. The residents can continue to dispose of their waste in a nearby landfill, and the waste haulers who pick up for many of the residents in this area will not have to raise trash pickup fees to pay for longer disposal haul distances. In the future, the vehicles used to transport the waste will be cleaner burning, reducing the impacts to air quality and climate change. More efficient equipment will reduce the use of non-renewable resources such as fossil fuels. Future recycling opportunities and/or mandates will also reduce the amount of residual wastes required to be transferred to another solid waste facility for disposal.
- Provide additional emergency disposal capacity for disaster preparedness. The Taft Recycling and Sanitary Landfill is an integral part of emergency debris disposal capacity

for southwestern Kern County. The new diversion area will provide a centralized location for diverting and recycling disaster debris at the same location as disposal operations.

Before concurring on this permit, the Department must adopt a Statement of Overriding Considerations that indicates its reasons for overriding the adverse environmental effects caused by the proposed project. It is Department staff's recommendation that the Department adopt as its own the Statement of Overriding Considerations as adopted by the Kern County Board of Supervisors to the extent the unavoidable significant environmental effects of the Project identified in the Statement of Overriding Considerations relate to environmental effects caused by the Department's exercise of its Statutory Authority.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the Permit.

Department staff further recommends the Final EIR with the inclusion of the Statement of Overriding Considerations, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed Revised Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Environmental Impact Report certified by the Board of Supervisors, the Statement of Overriding Considerations, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed Revised Solid Waste Facilities Permit. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues:

The project document availability, hearings, and associated meetings were extensively noticed consistent with the SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 33.04). The 2000 American Community Survey estimates indicates that the surrounding population is approximately 83.1 % white, 1.1% black or African American, 1.4% native American or Alaska Native, 1.0% Asian, 0.6% native Hawaiian or other Pacific Islander, 10.2% identified as some other race, and 2.6% identified being two or more races. Of the total population 17.4% described themselves as Hispanic or Latino and 18.9% of the families in the Census Tract were below the poverty level. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

The LEA did not receive any comments from the posted public notice or at the public information meeting on June 20, 2011. No oral or written public comments have been received by the Department or LEA staff.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process timelines and

requirements, and attended the pre-permit inspection. The Department provided an opportunity for public comment during the Monthly Public Meetings held on July 12 and August 9, 2011.